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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,713	01/19/2005	Marc Berenguer	P1908US	2296

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GARDNER CARTON & DOUGLAS LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO, IL 60606

EXAMINER

WOO, STELLA L

ART UNIT PAPER NUMBER

2614

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/521,713	BERENGUER, MARC	
	Examiner	Art Unit	
	Stella L. Woo	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7, 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0622969 (hereinafter "Ishida") in view of Moscovitch (US 2005/0146845 A1).

As to claims 1, 7, 9, 11-14, Ishida discloses a videophone station and method for conversation as claimed comprising speaker 28, microphone 30 (oral telecommunication means), components 18, 19, 20 reads on the claimed digital processing unit for processing video data, a generally vertical first screen 6, image capture means 7, a second screen 103 arranged at the foot of the first screen and oriented on an inclined plane (see Fig. 25) and displaying data relative to the distant person (e.g. the log information, system operation), the system controller also provides overall control and to drive the digital processing unit.

Ishida differs from claims 1-3, 7, 9, 11-14 in that it does not specify the second screen being oriented on a second plane that is distinct from the vertical first plane. However, Moscovitch teaches the desirability of arranging a

second display on a second plane that is distinct from a generally vertical second plane (see Figures 5 and 6) such that it would have been obvious to an artisan of ordinary skill to incorporate such an arrangement of display screens, as taught by Moscovitch, within the station of Ishida so that a user can adjust the viewing angle of the separate displays screens.

As to claim 2, see Fig. 25 where the screens are flat.

As to claim 3, note that Ishida discloses the use of a camera, and the videophone station is connected over an ISDN and the phone number or subaddress of the videophone station is a unique network address. See Ishida col. 26 lines 21-31 for example.

As to claim 10, Ishida teaches the camera is located above the first screen. Ishida also teaches placing the camera to the side of the screen (Figure 2), clearly suggesting that the camera can be located anywhere around the display. It would have been obvious to an artisan of ordinary skill at the time of the invention to modify the combination of Ishida and Moscovitch by placing the camera below the first screen, since it has been held that rearranging parts of an invention involves only routine skill in the art (*In re Japikse*, 86 USPQ 70).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Moscovitch, and further in view of Cortjens et al (US PAT. NO. 5,598,209 hereinafter "Cortjens").

The combination of Ishida and Moscovitch differs from the claimed invention in not disclosing the control means as comprising at least one of a mouse or joystick, and is operable to control the camera associated with the distant person.

However, it is old and well known in the art for a videophone station to comprise at least one of a mouse or joystick, and is operable to control the camera associated with the distant person, for example see Cortjens, Abstract, col. 4 lines 4-54, to properly center the distant person. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ishida to comprise at least one of a mouse or joystick, and is operable to control the camera associated with the distant person to properly center and focus on the distant person during conversation.

4. Claims 5, 8, 15-17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Moscovitch, and further in view of Ludwig et al. (EP 0 898 424 hereinafter "Ludwig").

As to claim 5, Ishida in view of Moscovitch differs from the claimed invention in not disclosing the videophone station is connected to a local area network.

However, it is old and well known in the art for a videophone station to be connected to a LAN, for example see Ludwig's abstract, col. 8 line 15 to *1. 9 line 27, to make efficient use of existing LAN wirings to enabling sharing of data. Thus, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the combination of Ishida and Mocovitch to comprise connection using a LAN.

As to claim 8, Moscovitch shows a keyboard for entering text (see Figure 26).

As to claims 15, 17, note directory server 66 in Ludwig.

As to claims 16, 19, 20, Ludwig discloses connecting via LAN including a gateway 40, for example see Figs. 3, 4.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ishida, Moscovitch and Ludwig, as applied to claim 16 above, and further in view of Cortjens for the same reasons applied to claim 4 above.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Moscovitch, and further in view of Arnott (US PGPUB. NO. 2002/0083462).

The combination of Ishida and Moscovitch discloses connection means being an ISDN but differs from the claimed invention in not disclosing the videophone station is connected via ADSL.

However, it is old and well known in the art to use ADSL lines as an alternative to ISDN since ADSL "allow more data to be sent over existing copper telephone lines at greater speeds" and "transmission of both voice and data" (e.g. see Arnott paragraph (0028)). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

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combination of Ishida and Moscovitch to connect to an ADSL telephone link to "allow more data to be sent over existing copper telephone lines at greater speeds" and "transmission of both voice and data."

7. Claims 16, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Moscovitch, and further in view of Tucker et al. (US PAT. NO. 6,590,604 filed April 7, 2000, hereinafter "Tucker").

The combination of Ishida and Moscovitch differs from the claimed invention in not disclosing a LAN including a gateway.

However, it is old and well known in the art for videophone station systems to be connected to a LAN including a gateway for establishing connections to remote videophone stations via WAN (e.g. ISDN, Internet), for example see Tucker Fig. 7, col. 9, line 40 to col. 10, line 19. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ishida and Moscovitch to comprise a LAN including a gateway for establishing connections to remote videophone stations via WAN (e.g. ISDN, Internet).

Response to Arguments

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new grounds of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a stylized, cursive flourish extending to the right.

Stella L. Woo
Primary Examiner
Art Unit 2614